

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
TWENTY-FIRST JUDICIAL CIRCUIT COURT
STATE OF MISSOURI 13MAR-8 PH 3:41

RESTORATION ST. LOUIS, INC.)
Plaintiff,) Cause No. 13SL-CC00644
v.) Division No. 8
3RD ST. IA LLC, et. al.,)
Defendants.)

**ST. LOUIS TITLE, LLC'S MOTION TO INTERVENE BY RIGHT OR, IN THE
ALTERNATIVE, BY PERMISSION**

COMES NOW Intervener St. Louis Title, LLC, by and through counsel, pursuant to Rule 52.12(a) of the Missouri Rules of Civil Procedure, or, alternatively, pursuant to Rule 52.12(b) of the Missouri Rules of Civil Procedure, and for its Motion to Intervene, states to this Honorable Court as follows:

1. Plaintiff Restoration St. Louis, Inc. has filed the instant action claiming breach of contract as to Defendant 3rd St. IA LLC.
2. Plaintiff alleges, generally, that it is entitled to \$180,000.00 in damages which constitutes a return of the earnest money related to a real estate contract for certain property in Davenport, Iowa, as a result of Defendant's breach of such contract.
3. Intervener is the escrow agent for the transaction at issue and currently holds \$180,000.00 in earnest money for the benefit of the parties (the "Escrow Account").

4. Intervener seeks to intervene in this Action for the purpose of interpleading the Escrow Account into the registry of this Court, to allow the Court to disburse the funds as it may deem appropriate, and to provide Intervener with a discharge of potential liability.

5. Intervener seeks to intervene pursuant to Rule 52.12(a) or, alternatively, pursuant to Rule 52.12(b), in that this dispute presents common questions of law or fact, Intervener is a necessary party to the dispute at issue, and as a matter of judicial economy, as Intervener will be forced to file another action regarding the same transaction if its Motion to Intervene is denied.

6. A copy of the Intervener's proposed Counterclaim and Crossclaim for Interpleader is attached hereto and incorporated herein by reference as Intervener's Exhibit "A."

WHEREFORE, Intervener St. Louis Title, LLC prays that it's Motion to Intervene be granted; that Intervener St. Louis Title, LLC be granted leave to file a Counterclaim and Crossclaim in substantial conformity with the proposed Counterclaim and Crossclaim attached hereto as Intervener's Exhibit "A," and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

JENKINS & KLING, P.C.

By:


Roger W. Pechal #41853
Conn Q. Davis #62835
150 North Meramec, Suite 400
St. Louis, MO 63105
(314) 721-2525 Phone
(314) 721-5525 Facsimile
Rpecha@jenkinskling.com
Cdavis@jenkinskling.com

Attorneys for Intervener St. Louis Title, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served upon Plaintiff by depositing same in the U.S. Mail, postage prepaid, addressed to:

Aaron D. French, Esq.
Jesse B. Rochman, Esq.
Sandberg Phoenix & von Gontard P.C.
600 Washington Avenue, 15th Floor
St. Louis, MO 63101-1313
Attorneys of Record for Plaintiff

3RD ST. IA LLC
ATTN: Nitin Jobanputra
37 Sprain Valley Road
Scarsdale, NY 10538

3RD ST. IA LLC
ATTN: Parag Meta
70 W. 107th St., 6A
New York, NY 10018

this 8 day of March, 2013.

Kathleen A. Breyer